

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RUBEN ARCHIBEQUE,

Plaintiff,

vs.

Civ. No. 12-326 KG/KBM

JEFFREY YUKAWA,
TEXTURA CORPORATION, and
CHUBB GROUP OF INSURANCE COMPANIES,

Defendants.

ORDER ASSESSING JURY COSTS

This matter is before the Court *sua sponte*. Jury selection and trial was scheduled in this matter for Monday, May 5, 2014. On the evening of Saturday, May 3, 2014, counsel notified the Court that the matter had settled.

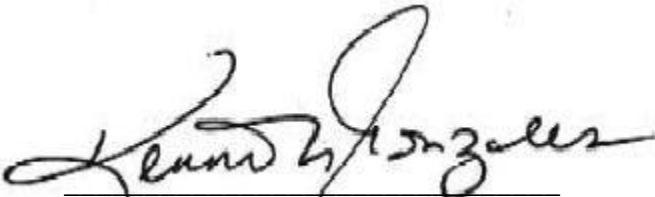
Local Rule 54.4 allows for jury costs, mileage, and *per diem* allowances to be taxed equally to all parties when parties settle a jury trial in advance of trial. However, Local Rule 54.4 provides that the Court will not assess jury costs if counsel notify the Clerk of the settlement “before 12:00 noon on the business day before the action is set for trial or if good cause is shown.” The purpose of this rule is to deter wasting jurors’ time caused by an unnecessarily late notification of a settlement. *See* Administrative Office of the U.S. Courts, *Assessment of Jury Costs for Late Notification of Settlement*, Mar. 1996 (noting that principal value of assessing jury costs is “neither to punish wrongdoing nor to enrich the Treasury, but rather to deter future waste of jurors’ time, caused by unnecessary late notification of settlements.”).

There is no reason why it would be inequitable to levy jury costs equally against Plaintiff and Defendants in this case. Eighteen jurors appeared for service despite attempts to notify them

that the trial would not take place. The Court's Jury Administrator has assessed jury costs as follows:

Attendance Fees	\$720.00
Mileage (Travel)	\$1,550.64
Subsistence	\$400.00
TOTAL	\$2,670.64

IT IS ORDERED that no later than ten days after the entry of this Order Assessing Jury Costs Plaintiff must pay \$1,335.32 into the Court's Registry and Defendants must pay \$1,335.32 into the Court's Registry.



UNITED STATES DISTRICT JUDGE